

# Washington State

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Tobacco Prevention & Control

WASHINGTON LEADERS

## **Existing Local Policies**

**DRAFT**

6-23-04

## **DRAFT POLICY DOCUMENTATION**

The Department of Health is currently collecting existing tobacco prevention policies from communities across the state.

This document is available on the Contractors Resource Website and will be updated as new policies are identified. Please send any existing tobacco prevention policies not listed in this document to Stacy Scheel at [tobaccoprev@aol.com](mailto:tobaccoprev@aol.com). If possible send an electronic copy in Word or text format.

In the near future DOH will convene an external advisory group to determine model policies and provide language to assist communities engaging in policy work. Future copies will also address enforcement strategies.

Questions about this documentation contact Stacy Scheel at [tobaccoprev@aol.com](mailto:tobaccoprev@aol.com)

## Existing Local Policies

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### GOAL ONE

# Capacity for Equitable Tobacco Control

	<b>Policy Opportunity Description</b>	<b>Level of Legal Jurisdiction</b> (Who has authority?)	<b>Washington Leaders</b> (Communities that have pursued relevant policies in Washington)
1	Ban acceptance of tobacco company donations, require that grantees not accept tobacco industry donations/sponsorships	City, County, Community, funding/donor organizations in community, local libraries	
2	Ban sale, sampling, or use of tobacco on specific public grounds	City, County, Community, college/university, fairgrounds, other public property	<u>Whitman County</u> <u>Clark College</u> <u>Highline Community College</u> <u>Eastern Washington University</u> <u>Washington State University</u> <u>Evergreen State College</u>
3	Limit zoning rules for new tobacco retailers in communities (particularly “tobacco discount” stores)	City, County	Communities that have banned “adult entertainment” industry  California zoning laws (limiting stores per # of citizens)
4	Add specific language regarding tobacco control to organizational mission statements, performance measures, objectives	City, County, Community organizations	
5	Limit storefront advertising – restrictions must be general, not specific to types of ads (alcohol or tobacco)	City, County	See safety-focused policies for storefront advertising restrictions. Bellevue Beautification Ordinance. (What are the local public safety ordinances?)

## 2004 PALOUSE EMPIRE FAIR COMMERCIAL DISPLAY CONTRACT

Specified Dates: September 9-12th, 2004

THIS AGREEMENT is made and entered into by and between PALOUSE EMPIRE FAIR, a division of the Whitman County Parks, Fair and Facilities Management Department, hereinafter referred to for all intents and purposes as the "FAIR" and \_\_\_\_\_, an independent business/agent operating as a Commercial Vendor, hereinafter referred to for all intents and purposes as the "CONTRACTOR". In consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

### 10) OPERATIONS OF COMMERCIAL DISPLAYS:

- A) The Fair reserves the right to refuse any contractual agreement application based on the Fair's own interpretation of appropriateness in relation to the Fair program in general. All activities conducted by the contractor or their agents will be clearly defined and approved by the Fair. No person(s) shall be allowed to sell or give away articles, including food, upon the Palouse Empire Fairgrounds, unless said item(s) is specified on the contract and approved by Fair Management. Fair reserves the rights to request CONTRACTOR not distribute items considered inappropriate. Examples of inappropriate items include those of a vulgar or offensive nature, those that could cause a safety hazard, litter problems for maintenance staff or other inappropriate items as determined by the Fair Management.

**1. Prohibited Items: the following items are prohibited, but not limited to; all sales of knives, guns, or weapons of any kind are prohibited , all sales of tobacco look alike items, such as fake cigarettes or false lighters are prohibited. The sale of drug paraphernalia is strictly prohibited.**

**510.030 SMOKING/TOBACCO PRODUCTS**

Clark College acknowledges and supports the findings of the Surgeon General that tobacco use in any form, active and passive, is a significant health hazard. The college further recognizes that environmental tobacco smoke has been classified as a Class-A carcinogen. In light of these health risks, and in support of a safe and healthy learning/working environment, the following restrictions shall be placed:

1. The inhaling, exhaling, burning, or carrying of any lighted smoking equipment, including cigarettes, cigars, or pipes, is prohibited in the interior of all buildings and vehicles owned or operated by Clark College. The use of other tobacco products, such as smokeless or chewing tobacco, in College facilities is also prohibited.
2. Smoking is also not permitted within 20 feet of building doorways or outside air supply grills or where prohibited by signage.
3. The sale of tobacco products or tobacco related merchandise is prohibited on college property.
4. The free distribution (sampling) of tobacco products and associated products is prohibited on the college properties.
5. Advertisement of tobacco products at campus events is prohibited regardless of sponsorship.

**HIGHLINE COMMUNITY COLLEGE**

**WAC 132I-124-010 Smoking.** It shall be the policy of Highline Community College, consistent with its efforts to promote wellness, fitness, and a campus environment conducive to work, study, and activities for staff, students, and the public to maintain a smoke/tobacco free indoor campus environment. Use of tobacco products is permitted on campus outside of the buildings. Receptacles for smoking materials are provided and all are urged to use them to maintain litter free campus grounds.

The college recognizes the rights of those who choose to use tobacco and as such does not prohibit the use of tobacco products; it does, however, restrict the use of these materials to areas outside college facilities and vehicles.

**WAC 132E-120-410 Tobacco Use Policy.** The college's board of trustees has adopted the following tobacco use policy:

- (1) Use of tobacco in any form shall not be allowed in college buildings, enclosures or state-owned vehicles and will not be sold or distributed on campus grounds.
- (2) The president shall sponsor and/or assist in the establishment of tobacco cessation programs.
- (3) Students who willfully violate this policy will be subject to disciplinary procedures.
- (4) The success of this policy depends upon the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All college community members and visitors share in the responsibility for adhering to and enforcing the policy. Any problems should be brought to the attention of a college administrator, program supervisor, or campus security and handled through the normal chain of authority.
- (5) The college has designated specific areas outside on college grounds as smoking areas. These are the only areas on campus where smoking is permitted.

**WAC 132N-150-230 Smoking.** The inhaling, exhaling, burning, or carrying of any lighted smoking equipment, including cigarettes, cigars, or pipes, is prohibited in the interior of all buildings and vehicles owned or operated by the college. The use of other tobacco products, such as smokeless or chewing tobacco, in college facilities is also prohibited. In addition, smoking is prohibited at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

**EASTERN WASHINGTON UNIVERSITY**

**WAC 172-122-300 Smoking Regulations.** The smoking of tobacco substances at Eastern Washington University is subject to the following rules:

- (1) Smoking is allowed in designated areas only. The appropriate provost/vice-president shall be responsible for designating smoking areas under the guidelines of this policy.
- (2) Some university buildings are designated as smoke free; no smoking is allowed in any location of these buildings.
- (3) All designated smoking areas must have physical barriers and ventilation systems which prevent toxic smoke contaminants from entering adjacent nonsmoking areas.
- (4) Smoking is not permitted in non-posted areas. Signs will be posted to identify smoke-free buildings and, if a smoking area is designated, the location of that area.
- (5) Smoking cessation programs will be provided by the university as needed. Employees who wish to stop smoking are encouraged to attend.

**Compliance and enforcement:**

- (6) All members of the university are expected to comply with the law and this policy.
- (7) Concerns about smoking practices should be directed to the environmental health and safety office.
- (8) Violations of the policy will be reviewed in light of chapter 70.160

**WASHINGTON STATE UNIVERSITY**

**WAC 504-40-010 General Policies.** (1) The major functions of the Washington State University libraries are to provide access to the corpus of information and documents essential to the institution's teaching, research, and service programs, especially by acquiring and preserving material; to organize these materials; to store them; to retrieve them upon demand; and to adapt and to assist in adapting them for most effective use.

The WSU libraries' collections contain this information and knowledge in its physical forms -- books, journals, manuscripts, microforms, films, recordings, maps, magnetic data files, and other resources including equipment significant to the teacher, the student, and the researcher.

(2) The WSU libraries' policies and regulations are based on the belief that the needs of the university community as a whole take precedence over individual convenience.

(3) Upon request and suitable justification by the library user, exceptions to the regulations may be made. To insure that exceptions are made with the full knowledge of the research and instructional needs of the university community, such exceptions may be made only by an appropriate library faculty or staff member as designated by the director of libraries or the campus librarian at a WSU branch campus.

(4) In the WSU libraries' buildings persons are expected to maintain appropriate public behavior and to adhere to such food and beverage policies as are established by the Director of Libraries. Smoking and other uses of tobacco are prohibited in the libraries.

(5) Violators of WSU libraries' regulations may be subject to appropriate disciplinary action by the university.

(6) Unless otherwise required by law, the WSU libraries will not release the name or address of the borrower who has or had an item checked out or who has placed a hold on an item.

(7) These policies and regulations will apply equally to all libraries operated by the WSU libraries.

(8) The board of regents reserves the right to add, delete, or modify portions of these regulations in accordance with its regulations and applicable laws.



## **Smoking Policy**

**Approved by: Employee Relations**

**Date Approved: 9/20/89**

### **Introduction**

The purpose of this policy is to provide a safe, healthy and productive environment for employees and members of the public who are conducting business in college facilities. It has been medically documented that tobacco smoke can affect the health of smokers and non-smokers, interferes with productivity and results in long term maintenance costs of facilities, including equipment.

### **Policy**

Smoking is not permitted in any building or motor vehicle operated by The Evergreen State College except residential and food service facilities. Food service facilities designated as a smoking area must operate on a separate ventilating and air conditioning system to prevent smoke from being ventilated into the main building system. Residential facilities establish their own smoking policies.

The college will provide appropriate assistance to employees who request help to stop smoking. This shall include making them aware of smoking cessation programs and where necessary providing funding to assist in the financing of smoking cessation classes. Further help will be provided for students, staff and faculty through the college wellness center.

Areas for smoking will be established and maintained in exterior covered areas of the college. These areas will be equipped with benches, waste baskets and smoking receptacles. These areas will be located away from the traffic patterns and away from building entrances so that they do not create congestion or allow smoke to enter the buildings. Signs will be posted to clearly identify smoking areas. Buildings and vehicles will be clearly marked to indicate that smoking is not permitted.

"Smoking" as used in this policy, refers to the inhaling, exhaling, burning or carrying of any lighted smoking equipment including cigarettes, cigars or pipes.

Every member of the Evergreen community is expected to be sensitive to this policy and abide by it. If conflicts arise, every effort should be made to resolve them through the college grievance process as described in the college governance documents.

**See WAC 296-62-12000- Environmental tobacco smoke in office work environments**

## Existing Local Policies

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### GOAL TWO

# Prevent Initiation

	<b>Policy Opportunity Description</b>	<b>Level of Legal Jurisdiction</b> (Who has authority?)	<b>Washington Leaders</b> (Communities that have pursued relevant policies in Washington)
1	Ban smoking within X feet of school grounds	City, County, Community	<u>Klickitat County</u> (within eyesight)
2	Ban smoking in parks/playgrounds/campgrounds*	City, County, Community	<u>Clark County</u> <u>Spokane County</u> <u>Thurston County</u> <u>Snohomish County</u>
3	Ban smoking at outdoor public events where more than X% of participants are children (county fair, zoo, rodeo, 'family days')	City, County, Community	
4	Include specific language for comprehensive tobacco prevention policy & procedures in school districts	School District Administrators	<u>DOH model school policies</u>
5	Include required instruction on tobacco use, media literacy, and/or community service that includes tobacco advocacy for youth in schools	School Districts?? curriculum committees?	<u>DOH model school policies</u>

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\* this approach has been considered previously as a 'secondhand smoke' goal related activity; however, the arguments for restricting smoking as a demonstration of community norms against tobacco for children may be more compelling than arguments related to secondhand smoke exposure outdoors.

## City of Ridgefield, Washington Council Meeting Minutes

**DATE:** April 24, 2003  
**TIME:** 7:30pm  
**PLACE:** RIDGEFIELD CITY HALL  
230 PIONEER  
RIDGEFIELD, WA 98642

### **BUSINESS**

1. Park Board Appointment  
Removed from Agenda
2. BREATHE – Youth Tobacco Prevention Team  
Sara Yamin, Cody Wilson and Patrick Kent

Coalition of High School students to bring awareness of the dangers of smoking and secondhand smoke. Voluntary program. Would like to place signs at parks stating “Voluntary Smoke Free Zone”. The Skate park sign will say “Smoke Free Zone”. The Coalition is responsible for maintaining the signs.

Council discussion

**Motion to allow signs to be places by Holmberg, 2<sup>nd</sup> by Heffin. Vote 5-0**  
**Motion passes.**



## Tobacco Free Parks Policy Examples of Success

### Summary

The Snohomish Health District and the cities of Arlington, Granite Falls, Gold Bar, Index, Marysville, Monroe, Mukilteo, and Sultan, the Everett Aquasox, the Everett Events Center, and Snohomish County joined efforts in 2001, 2002, and 2003 to launch a tobacco free park policy for over 50 public parks in the eight cities, the Everett Stadium and throughout the county. The Snohomish Health District assisted the cities' mayors, city councils and park board members with a tobacco free proclamation by writing media releases, getting youth involved, planning a kick off ceremony and purchasing signs and other educational materials to promote the new policy.

Community members, city council members, state legislators, police officers and students attended kick off ceremonies in each of the cities. Blue and white metal signs declaring, "*For Our Kids, Tobacco Free Parks (or Stadium)*" are now posted in all of their public parks and stadium.

Youth and adult volunteers in the cities distributed promotional items and materials to increase awareness about the new policies and to educate about the dangers of secondhand tobacco smoke.

### Purpose

The Snohomish Health District, Snohomish County, the Aquasox organization, The Everett Events Center and the cities of Arlington, Granite Falls, Gold Bar, Index, Marysville, Monroe, Mukilteo, and Sultan recognize the perils of tobacco and secondhand tobacco smoke – outdoors as well as indoors. The decision by all entities to implement a simple policy of signage that requests patrons to keep the parks tobacco free originated out of three major concerns:

1. The **health impacts** associated with exposure to secondhand tobacco smoke:
  - *Secondhand tobacco smoke has been scientifically proven to seriously hamper respiratory function and pulmonary development in children, causing hundreds of thousands of cases of pneumonia, bronchitis, asthma, and middle ear infections, as well as sudden infant death syndrome (SIDS).*
  - *According to a recent study conducted by Columbus Children's Hospital in Ohio, levels of hair cotinine, a nicotine metabolite, were strikingly similar in children whether the*

*parent smoked indoors or outside. (See attached article, back page)*

2. The **environmental impacts** associated with tobacco use in city parks:
  - *Although there is no scientific data to support it, anecdotal reports indicate that the amount of cigarette butts and garbage has reduced dramatically in the play and sitting areas in the public parks of these cities. Clean up and maintenance costs have been reduced due to the decrease in garbage and waste.*
  - *Cigarette butts are not biodegradable and careless smoking and disposal of cigarette butts are a major cause of forest fires.*
3. The **social impacts** associated with tobacco use in city parks:
  - *The risk for children becoming a smoker or using tobacco is reduced because the role model of smoking is taken away.*

### **Components of a Tobacco Free Park Policy**

The components of adopting tobacco free parks policies are simple and require minimal time. The Snohomish Health District and the entities worked together to adopt and implement policies using the components listed below. The Snohomish Health District proposes other neighborhoods, cities and sports arenas implement a similar tobacco free parks policy and follow the existing components or adapt them to work for the specific needs of the neighborhood, town or city to accomplish the following:

#### **Policy Design**

With the assistance of the Snohomish Health District, Tobacco Prevention and Control Program,

- Mayors, city council members and parks board members review, discuss, write and vote on a policy using existing tobacco free parks policies as models.
- Mayors, city council members, and parks board members review, discuss and adopt tobacco free parks proclamations. (See attached sample proclamation)
- Discuss and decide on signage using templates designed by Snohomish Health District (and Marysville Parks and Recreation).

#### **Signs and Materials:**

With the resources and financial support of the Snohomish Health District:

- Use the sign template “*For Our Kids, Tobacco Free Parks*” to design and approve signs.
- Order two signs per public park.
- Order promotional and educational materials.

**Media/Promotion:**

In conjunction with the cities:

- The Snohomish Health District sends out press releases regarding the new policy and proclamation. (See attached sample press release)
- Organize a kick-off ceremony and sign installation at a public park and invite city leaders, the community, youth and the media. (See attached sample ceremony agenda)
- The Snohomish Health District provides promotional and educational materials at the ceremony.

**Ceremony:**

- The cities' mayors present and read the proclamation.
- Other guest speakers include city or county leaders (e.g., Public Health Officer for Snohomish Health District can present tobacco control information)
- The mayors and/or other key leaders install the first sign.
- Cake and juice provided by the Snohomish Health District.

**Budget**

The Snohomish Health District, Tobacco Prevention and Control Program has a budget to support tobacco free parks policy implementation. Budget items include:

- Sign production
- Cake and beverages for ceremony
- Promotional and educational materials
- In-kind staff time to write media releases, coordinate sign production, coordinate ceremony, etc.

**SNOHOMISH COUNTY**

**PROCLAMATION  
FOR OUR KIDS  
TOBACCO FREE PARKS**

WHEREAS, the EPA has classified secondhand tobacco smoke as a Group A humans carcinogen, a category which includes only the most potent cancer causing agents, like benzene, vinyl chloride, asbestos and arsenic;

WHEREAS, each year, because of exposure to secondhand smoke, an estimated 3,000 nonsmoking Americans die of lung cancer, and 150,000 to 300,000 children suffer from lower respiratory tract infections;

WHEREAS, the simple separation of smokers and nonsmokers within the same airspace may reduce, but does not eliminate the exposure of the nonsmoker to secondhand tobacco smoke;

WHEREAS, all City public buildings and Marysville School District facilities are smoke free and the City of Marysville recognizes its role in protecting the health of the general public and safety of outdoor public areas, it is our duty to educate our citizens on the perils of tobacco use;

WHEREAS, the City has received many calls complaining that individuals are smoking in and around playgrounds, trails and ball-fields and refuse to move away when asked;

WHEREAS, children's vulnerability to secondhand tobacco smoke and the difficulty they have in protecting themselves from a threat imposed by adults, places the burden of reducing or eliminating secondhand tobacco smoke exposure on adults in protective capacities;

WHEREAS, the City operates many parks and outdoor events throughout the greater Marysville area and encourages use of each facility in a safe and healthy manner; and all park use policies are established by the Parks Advisory Board which has recommended an educational campaign in cooperation with the Snohomish Health District requesting park patrons to not smoke or use tobacco products near park playgrounds, trails and ball-fields by the installation of "For the Kids – Tobacco Free Parks" signage;

NOW, THEREFORE BE IT RESOLVED, I David E. Weiser, Mayor of the City of Marysville, do hereby proclaim November 15<sup>th</sup>, 2001 as the kick-off date of the "For Our Kids – Tobacco Free Parks" education program in an effort to protect children from the harmful effects of environmental tobacco smoke.

Under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2001

THE CITY OF MARYSVILLE

\_\_\_\_\_  
MAYOR

## **USE OF TOBACCO ON SCHOOL PROPERTY**

The board of directors recognizes that to protect students from exposure to the addictive substance of nicotine, employees and officers of the school district, and all members of the community, have an obligation as role models to refrain from tobacco use on school property at all times.

Any use of tobacco products by staff, students, visitors and community members shall be prohibited on school district property. This shall include all district buildings, grounds and district-owned vehicles.

Notices advising students, district employees and community members of this policy shall be posted in appropriate locations in all district buildings and at other district facilities as determined by the superintendent and shall be in the employee and student handbooks. Employees and students are subject to discipline for violations of this policy, and school district employees are responsible for the enforcement of the policy.

Cross References: Board Policy 3200 Student Rights and Responsibilities  
Board Policy 3241 Classroom Management, Corrective  
Actions or Punishments  
Board Policy 5280 Termination of Employment

Legal References: RCW 28A.210.310 Prohibition on use of tobacco products  
on school property  
RCW 70.155.080 Purchasing, obtaining or possessing  
tobacco by Minors — Civil infraction

Adoption Date:  
School District Name:  
Revised: 10.15.00



## ***Tobacco Policy for Rochester School District***

### ***USE/POSSESSION OF TOBACCO IN ANY FORM***

**Smoking** or any other **use/possession of tobacco products** shall be prohibited on school district property or school district functions. This shall include all district buildings, grounds, district-owned/leased/contracted vehicles and district functions.

**First Offense:** Three to five days of ISS or one day ISS and attend "TRUTH" (tobacco class taught by Tobacco Free Thurston County staff). The class will be scheduled after school and be 90 minutes in length. The time and date of the class will be scheduled by Tobacco Free Thurston County.

**Second Offense:** Three to ten days of out-of-school suspension or three days of ISS and retake "TRUTH" class.

## Existing Local Policies

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### GOAL THREE

# Increase Cessation Resources

Policy Opportunity Description		Level of Legal Jurisdiction (Who has authority?)	Washington Leaders (Communities that have pursued relevant policies in Washington)
1	Systematic Implementation of 'best practice' clinical interventions	Clinic systems, including public health clinics and services	<u>Puyallup Tribe</u>
2	Coverage of NRT/ pharmacotherapy/ cessation support by healthcare plans	Large employers (including city, county, other government entities)	
3	Policy to hire only tobacco-free employees	Employers (including city, county, other private businesses)	<u>Tacoma-Pierce County</u>

## Existing Local Policies

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### GOAL FOUR

# Eliminate Secondhand Smoke

	<b>Policy Opportunity Description</b>	<b>Level of Legal Jurisdiction</b> (Who has authority?)	<b>Washington Leaders</b> (Communities that have pursued relevant policies in Washington)
1	Ban smoking in restaurants, bars, bowling alleys, other worksites currently exempted in State Clean Indoor Air Act	? Pending Pierce Co appeal, currently perceived as state-level decision (legislative/initiative)	<u>Tacoma-Pierce County</u>
2	Ban smoking in housing supported by public funds (federal HUD funds or local funds)	County, Community	<u>Whatcom County</u> (entry ways)
3	Ban smoking on public beaches, waterfronts, piers	City, County, Community	<u>Olympia (piers?)</u>
4	Ban smoking in public transportation waiting areas (including bus stops)	City, County, Community	<u>Thurston County Intercity Transit</u>
5	Ban smoking within X feet of buildings or air intake valves for buildings (or completely smoke-free campuses)	City, County, Community, Organization (e.g., college campuses, health department, hospitals)	<u>Clark College</u> <u>Klickitat County</u> <u>Lewis County</u>
6	Addition of restaurant smoking to health inspection protocols and forms	County health departments	<u>Chelan-Douglas Health District</u>
7	Passage of “nuisance law” for Secondhand Smoke – gives landlord the right to evict tenants for behaviors	County, city	See community noise policies, dog policies.
8	Require landlords to disclose to potential tenants whether smokers live adjacent/near to housing	City, County	

## **Board of Health Resolution**

On December 3, 2003 the Tacoma-Pierce County Board of Health unanimously passed resolution 2003-3527 that prohibits smoking in all indoor public places and places of employment throughout Pierce County, including a minimum distance of twenty-five (25) feet from entrances, exits, open windows and ventilation intakes.

**To view the resolution go to the following website:**

<http://www.preventionpriority.org/documents/tobacco/SmokingBanResolutionWeb.pdf>

**Whatcom County Housing Authority**

**20.0 House Rules**

*20.1 House Rules And Regulations*

The following are House Rules and are additional rules and regulations governing and regulating the activity and behavior of the Residents and their guests and are additional obligations of the Residents under their lease.

**A. Towing/Abandoned Vehicles:**

**B. Parking/Vehicle Registration:**

**C. Quiet Hours:**

**D. Domestic Violence:**

**E. Solicitation/Transfer Policies:**

**F. Laundry Facility:**

**G. Common Area Use:**

**H. Firearms:**

**I. Smoking:** Smoking any product in any BHA/WCHA common area or entryway, except outside of the premises and away from any entry or exit so that no other Resident, or his or her guest, or an employee, agent, guest of the BHA/WCHA is affected by the smoking is prohibited. No Tenant, Resident or guest shall discard any smoking device or butts or burned tobacco in any location other than a trash receptacle located outside of any building and only then after such material has been fully extinguished.

**J. Barbecue/Grills:**

**K. Guest Limitations:**

**L. Criminal Activity:**

Refusal or repeated failure of the Resident to comply with any such rule or regulation shall constitute good cause for termination of this agreement by the BHA/WCHA and for eviction of Resident in accordance with the Resident's lease.

## **RESTRICTING USE OF TOBACCO**

### **Definitions:**

“I.T. Vehicle” – refers to all vehicles owned and/or operated by Intercity Transit.

“I.T. Facility” – refers to all buildings and grounds owned and/or operated by Intercity Transit.

“Tobacco Use” – refers to smoking and chewing of tobacco products.

This policy applies to all persons using “I.T. facilities” and “I.T. vehicles.”

**Purpose:** The Washington State Legislature recognizes the increasing evidence that tobacco smoke in closely confined places creates a danger to the health and welfare of persons in this state.

Second-hand tobacco smoke may also cause a threat to public health in closely frequented outdoor areas. Intercity Transit vehicles, buildings, and much of the outdoor areas of its transit centers are used heavily enough by the public that smoking in those areas poses a potential risk to the health of those who use those facilities. Smoking within the Amtrak depot, administered by Intercity Transit, poses the same risks.

In addition, smoking and the use of smokeless tobacco products increases the amount of litter and liquid wastes discharged onto Intercity Transit facilities, increasing the cost of transit services to taxpayers and fare payers. To protect the public and Intercity Transit employees from the potential dangers of second-hand smoke and to help control the problems of litter and other waste stemming from the use of tobacco products on Intercity Transit facilities, the Intercity Transit Authority adopts the following restrictions.

### **1. Tobacco Use Banned at Transit Centers**

Persons may NOT use tobacco at the Olympia or Lacey Transit Centers buildings or on or around the islands, as shown on FORMS-EX-0004-A and B.

I.T. will conspicuously place *No Smoking or Tobacco Use* signs at the transit centers.

### **2. Persons Will NOT Use Tobacco in I.T. Vehicles**

Tobacco use is prohibited in any I.T. vehicle. I.T. shall include this policy in new employee, volunteer, and vanpool member orientations.

**3. Tobacco Use Only in Designated Areas at Pattison Facility**

Tobacco use is NOT allowed at the Pattison facility except where designated near the upper employee parking area, the bus yard, and in specific areas near the Maintenance facility as shown on the attached FORM-EX-0004-C. I.T. shall provide a reasonably comfortable outdoor area for employee tobacco use. Members of the public visiting the facility may use the designated tobacco use area located near the upper park lot, as shown on FORM-EX-0004-D. I.T. will place conspicuous signage around the facility to notify the public that tobacco may be used in *designated areas only*.

**4. No Tobacco Use in Amtrak Depot Building**

Tobacco use is prohibited at the Amtrak Depot building located on Yelm Highway. Tobacco users must confine use outside and away from the depot building doors. I.T. will conspicuously place *No Tobacco Use* signs at the Amtrak facility.

**5. Smoking Cessation Classes Available to Employees**

I.T. shall offer employees smoking cessation classes. Employees may use accrued sick leave to attend these classes. I.T.'s Wellness Committee shall develop smoking cessation guidelines, subject to management approval.

## Kitsap County Code

### 3.54.010 Legislative findings

The Kitsap County board of commissioners finds that:

- (1) Extensive medical and scientific research confirms that environmental tobacco smoke is harmful to smokers and nonsmokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers.
  - (2) Extensive medical and scientific research concludes that carbon monoxide levels in rooms and vehicles where smoking occurs often exceeds maximum permissible safety levels, and that other hazardous compounds are contributed to the environment by tobacco smoke, including but not limited to tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide and arsenic, adversely affecting smokers and non-smokers alike in their general health and specific job performances.
  - (3) Extensive research shows that smoking in the workplace causes loss in employee productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage, and other detriment to both public and private property.
  - (4) Recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities or other job-related ailments suffered by employees as a result of tobacco smoke in the workplace.
  - (5) The Washington State Legislature has recognized the increasing evidence posed by tobacco smoke in the workplace and has therefore enacted the Washington Clean Indoor Air Act, codified at Chapter 70.160 RCW.
  - (6) It is necessary to limit designated smoking locations in order to protect county employees and the public from the health and property hazards created by tobacco smoke and limit the litter associated with smoking debris.
  - (7) Under the State Department of Labor and Industries' Environmental Tobacco Smoke (ETS) regulation, WAC 296-62-12000, the County must minimize the amount of environmental tobacco smoke that enters its office buildings; and has determined that prohibiting smoking from within fifty feet of office building entryways or other openings is necessary to ensure compliance with that regulatory requirement.
- (Ord. [276 \(2002\)](#) § 1, 2002: Ord. [123 \(1988\)](#) § 1, 1988)

As used in this chapter, the following terms have the meanings indicated.

- (1) "County personnel" means all persons employed by Kitsap County, including any elected or appointed official or department head of Kitsap County.
  - (2) "County workplace" means any county-owned and/or operated building, in a county-owned and/or operated vehicle, or within fifty feet of a building entryway.
  - (3) "Designated smoking area" means any area that is posted with signage that the area is designated as a smoking area.
  - (4) "Environmental tobacco smoke," "ETS," or "secondhand smoke," means a mixture of smoke emitted from burning tobacco products and smoke exhaled by a smoker.
  - (5) "Public business" means any activity, service, work or function done by, on behalf of, or under the authority of Kitsap County by county personnel.
  - (6) "Smoke" or "smoking" means the carrying, inhaling or exhaling of smoke from any kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment, implement, apparatus or item.
  - (7) "Smoking debris" includes but is not limited to cigarette or cigar butts, cigarette paper or product packaging, tobacco, smoke, ash, or any other residue resulting from smoking.
- (Ord. [276 \(2002\)](#) § 2, 2002: Ord. [123 \(1988\)](#) § 2, 1988)



**3.54.030 Smoking prohibited**

No person shall smoke in a county-owned and/or operated building, in a county-owned and/or operated vehicle, or within fifty feet of a building entryway.

(Ord. [276 \(2002\)](#) § 3, 2002: Ord. [123 \(1988\)](#) § 3, 1988)

**3.54.040 Exceptions**

The prohibition in Section [3.54.030](#) shall not apply in or to the following:

- (1) Any designated smoking area.
- (2) Private living quarters let by Kitsap County, but only to the extent not used for public business.

(Ord. [276 \(2002\)](#) § 4, 2002: Ord. [123 \(1988\)](#) § 4, 1988)

**3.54.050 Duties**

(a) Department heads, elected officials or other supervisors shall notify all employees of their respective departments about the subject of this chapter immediately following its adoption.

(b) Notice of this chapter shall be posted conspicuously at each entrance and in prominent locations throughout all county workplaces.

(c) County personnel having control or supervision of a county workplace shall make every reasonable effort to ensure compliance with this chapter, including but not limited to posting signs as appropriate under this chapter, advising those who are smoking in a county workplace to refrain from smoking, and advising the public or county personnel that smoking is not prohibited in designated smoking areas.

(d) The county administrator or designee shall determine the number and location of those areas that shall be designated as smoking areas, and shall post signs to notify the public and county personnel that an area is a designated smoking area. Except for emergent health or safety reasons, prior to a change in designation, thirty days' notice shall be given to county personnel.

(e) All persons using designated smoking areas shall place smoking debris in the appropriate receptacles. Littering is prohibited.

(Ord. [276 \(2002\)](#) § 5 (part), 2002: Ord. [123 \(1988\)](#) § 5, 1988)

**3.54.060 Defacing signs prohibited**

No person shall alter, deface, remove or destroy any sign posted in compliance with this chapter.

(Ord. [276 \(2002\)](#) § 5 (part), 2002: Ord. [123 \(1988\)](#) § 6, 1988)

**3.54.070 Penalties and enforcement - Fines**

(a) Any person violating this chapter by smoking in a county workplace or altering, defacing, removing or destroying signs posted in compliance with this chapter shall be liable for a civil fine of fifty dollars.

(b) The Kitsap County sheriff's office shall enforce this chapter by issuing a notice of infraction and citing to this chapter. Such notice of infraction shall be made upon the same forms as for traffic infractions.

(c) Any violation of this chapter for which a notice of infraction is issued shall be disposed of in the same manner as provided for traffic infractions under Chapter 46.63 RCW, as now or hereafter amended, incorporated by this reference, except as follows:

(1) The provisions in Chapter 46.63 RCW relating to provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this chapter; and

(2) The provisions in Chapter 46.63 RCW relating to impositions of sanctions against a person's driver's license or vehicle license are not applicable to this chapter.

(d) All fines or forfeitures collected upon enforcement of this chapter shall be paid into the general fund of Kitsap County.

(Ord. [276 \(2002\)](#) § 6 (part), 2002: Ord. [123 \(1988\)](#) § 7, 1988)

**3.54.080 Private actions**

(a) This chapter shall not be construed to prohibit private persons or organizations from bringing an action to enjoin violations of this chapter, nor shall it be construed to limit other actions in any way.

(b) In undertaking enforcement of this chapter, Kitsap County is assuming and undertaking only to promote the general welfare. Kitsap county is not assuming, nor is it imposing on county personnel, an obligation for breach of which the county or its personnel are liable in money damages.

(Ord. [276 \(2002\)](#) § 6 (part), 2002: Ord. [123 \(1988\)](#) § 8, 1988)

**3.54.090 Liberal construction**

This chapter is remedial in nature and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

(Ord. [276 \(2002\)](#) § 7, 2002)

**3.54.100 Severability**

If any provision of this chapter or its application to any person or circumstance is held invalid or unconstitutional the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

(Ord. [276 \(2002\)](#) § 8 (part), 2002)

**3.54.110 Effective date**

This chapter shall take effect thirty days after enactment by the Kitsap County board of commissioners.\*  
(Ord. [276 \(2002\)](#) § 8 (part), 2002)

\* **Editor's Note:** Ordinance 276 (2002) was adopted by the board of county commissioners on July 22, 2002.

Klickitat County  
Board of County Commissioners  
**Administrative Policy**

Subject: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Approved: \_\_\_\_\_ Draft: \_\_\_\_\_  
Contact: \_\_\_\_\_ Policy #: \_\_\_\_\_

Klickitat County acknowledges and supports the findings of the Surgeon General that tobacco use in any form, active and passive, is a significant health hazard<sup>1</sup>. The county further recognizes that secondhand smoke is a known human carcinogen causing death and illness in children and adults.<sup>2, 3</sup> In light of these health risks, and in support of a safe and healthy learning and working environment, the following restrictions shall be placed:

The inhaling, exhaling, burning, or carrying of any lighted smoking equipment, including cigarettes, cigars, or pipes, is prohibited in the interior of all buildings and vehicles owned or operated by Klickitat County. The use of other tobacco products, such as smokeless or chewing tobacco, in County facilities and while making face to face contact on County business is also prohibited.

Smoking is also not permitted within 25 feet of building doorways/windows, outside air supply grills or where prohibited by signage.

The sale of tobacco products or tobacco related merchandise is prohibited on County property.

The free distribution (sampling) of tobacco products and associated products (including promotional and other items bearing the logo of any tobacco product, manufacturer, or distributor) is prohibited on County properties.

Advertisement of tobacco products on County property and at County events is prohibited regardless of sponsorship.

1. "Smoking and Health"; Report to the Advisory Committee to the Surgeon General of the Public Health Service; Publication No. 1103; Public Health Service; U.S. Department of Health, Education, and Welfare; 1964.

2. "Respiratory Health Effects of Passive Smoking (Also Known as Exposure to Secondhand Smoke or Environmental Tobacco Smoke-ETS), USEPA EPA/600/6-90/006F, U.S. Environmental Protection Agency, Office of Research and Development, Office of Health and Environmental Assessment, Washington, DC, December 1992.

3. "Report on Carcinogens", Tenth Edition; U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, December 2002.

## ADMINISTRATION AND PERSONNEL

### Chapters:

#### 2.05 Smoking in County Buildings

### 2 - 1

#### Chapter 2.05

### SMOKING IN COUNTY BUILDINGS

#### Sections:

- 2.05.010 Legislative findings.
- 2.05.020 Purpose.
- 2.05.030 Definitions.
- 2.05.040 Uniform smoking policy.
- 2.05.050 Applicability.
- 2.05.060 Revisions.
- 2.05.070 Exemptions.
- 2.05.080 Compliance.
- 2.05.090 Implementation.
- 2.05.100 Smoking allowed areas.
- 2.05.110 Conditional use designation.

#### **2.05.010 Legislative findings.**

The Lewis County board of commissioners makes the following findings:

(1) Extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and nonsmokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers; and

(2) Extensive medical and scientific research concludes that carbon monoxide levels in rooms where smoking occurs often exceeds maximum permissible safety levels, and that other hazardous compounds are contributed to the environment by tobacco smoke, including but not limited to tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide and arsenic, adversely affecting smokers and nonsmokers alike in their general health and specific job performances; and

(3) Extensive research shows that smoking in the work place causes loss in employee productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage, and other detriments to both public and private property; and (4) Recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities or other job-related ailments suffered by employees as a result of tobacco smoke in the work places; and (5) The Washington State Legislature has recognized the increasing evidence posed by tobacco smoke in the work place and has therefore enacted the Washington Clean Indoor Air Act, codified in Chapter 70.160 RCW; and (6) It is necessary to limit smoking locations in order to protect county employees and the public from the health and property hazards created by tobacco smoke. [Ord. 1157, 1998; Ord. 1113 § 1, 1991]

**2.05.020 Purpose.** (1) Lewis County is dedicated to providing a healthy and productive work environment for all county employees and the public visiting

or conducting business in county facilities. (2) This chapter is in response to the growing medical and scientific evidence of the detrimental effects of smoking on personal health and work performance, in response to the strong desire of many county employees to work in a smoke-free environment, and in response to public law relating to smoking in public facilities. (3) It is not the intention of this chapter to infringe upon the personal right and decision of any person to smoke. Rather, this chapter is intended to provide a smoke-free environment for nonsmokers who wish not to be affected by those individuals who do smoke. [Ord. 1157, 1998; Ord. 1113 § 2, 1991] **2.05.030 Definitions.** (1) "County" means Lewis County.

## **2 - 2**

(2) "Smoking" or "to smoke" means and includes inhaling, exhaling or carrying any burning tobacco or other plant matter, including but not limited to cigarettes, cigars, or pipes.

(3) "Work area" is an area in a county facility owned, leased or rented by the county intended primarily for use by officials and employees of the county while conducting county business.

(4) "Enclosed work area" means a work area enclosed by a ceiling and walls with an entry that may be closed and with a ventilation system separate from other work areas.

(5) "Common area" means that area enclosed by a ceiling and walls in a county facility including, but not limited to, employee lounges, lunchrooms, conference rooms, stairways, elevators, hallways, and restrooms.

(6) "Smoking debris" includes, but is not limited to cigarette or cigar butts, cigarette paper or products packaging tobacco, smoke, ash or any other residue resulting from smoking.

(7) "County facility" means any enclosed building, structure, or vehicle owned, leased, rented or operated by Lewis County.

(8) "Motor vehicle" means a car, truck, pickup or other equipment/vehicle which contains an enclosed operating area.

(9) "County personnel" means any elected, appointed official or department head of Lewis County, and all employees, volunteers, and reserves of Lewis County.

(10) "Assigned motor vehicle" means any motor vehicle set apart for a particular purpose and specifically designated for use by a particular county official or employee on an on-going basis. [Ord. 1157, 1998; Ord. 1113 § 3, 1991]

## **2.05.040 Uniform smoking policy.**

(1) No person shall smoke in a common area or work area in a county facility, except where such area or facility has been designated and posted by the county as a smoking permitted area. (2) Smoking is permitted in outdoor areas unless the smoke would be drawn into the work or common areas. All employees who elect to smoke in smoking permitted areas and outdoor areas shall be responsible for the appropriate maintenance and/or disposal of all smoking debris. (3) Smoking is permitted in assigned vehicles. However, if passengers are in said vehicle, then subsection (1) shall apply, unless all the passengers are smokers. (4) The board of county commissioners shall designate smoking

permitted areas. They shall consider information and preferences provided by officials and employees. Addendum "A" codified as LCC 2.05.100 and 2.05.110 shall designate "Smoking Allowed Areas" and "Smoking Allowed/Conditional Use Designation Areas". [Ord. 1157, 1998; Ord. 1113 § 4, 1991] **2.05.050 Applicability.** The chapter shall apply to all county officials and employees in county facilities and shall apply to all persons who visit county facilities, including contractors and the general public during all hours and days of the year. [Ord. 1157, 1998; Ord. 1113 §5, 1991] **2.05.060 Revisions.** (1) Any official or employee of the county who works in an enclosed work area and who believes that a designation of smoking or nonsmoking area creates a unique situation with an adverse impact on the employee while in his/her usual place of work, may submit a revision request to his/her department head or elected official, who shall submit the request, along with the department head's or elected official's recommendation, to the board of county commissioners. The revision request will be

## **2 - 3**

given a hearing before the board of county commissioners in a manner it deems appropriate.

(a) Prior to the hearing, all affected co-workers shall be given notice of the hearing.

(b) The board shall determine the feasibility of allowing the revision by balancing the purpose of this chapter and the health needs of persons affected by the revision with the needs of the elected official or employee making the request.

(2) The board's decision shall be final. [Ord. 1157, 1998; Ord. 1113 § 6, 1991]

## **2.05.070 Exemptions.**

(1) Any county-owned building or facility leased, rented or otherwise made available by the county solely for activities or purposes not directly managed or controlled by the county may be exempt from this chapter. Any smoking policy will be negotiated within the lease agreement. However, there will be no smoking in Lewis County senior centers regardless of use. Compliance with state and local laws regarding smoking, where applicable, is still required.

(2) Private living quarters provided by Lewis County to county personnel in the course of their employment are exempt from this chapter, unless used for public business. [Ord. 1157, 1998; Ord. 1113 § 7, 1991]

## **2.05.080 Compliance.**

(1) "No Smoking" signs shall be placed at each entrance of all county facilities except the Pacific Avenue entrance and on dashboards of all county motor vehicles, except assigned motor vehicles.

(2) The primary objective of discipline with regard to this chapter in the work environment is to correct behavior in violation of said policy, not to punish or penalize employees who smoke. Employees who suffer from tobacco dependency may voluntarily undergo a rehabilitation program in the same manner, and under the same conditions, as the county provides for drug rehabilitation. The county shall provide information and resources on rehabilitation programs. However, county employees who violate this chapter

may be subject to disciplinary action including, upon repeated violation, the sanction of a discharge. (3) Whenever the county safety officer determines that a violation of this chapter has occurred, the safety officer may issue a notice of infraction under LCC 1.20.040 for a civil penalty of \$25.00 for the first violation, \$50.00 for the second violation and \$100.00 for a third and all subsequent violations. [Ord.. 1180 §24, 2002; Ord. 1157, 1998; Ord. 1113 § 8, 1991]

**2.05.090 Implementation.** (1) Notification. All county offices and departments shall post notification of the chapter on employee bulletin boards or other appropriate locations. (2) Any penalty assessed and recovered under this chapter shall be paid to the treasurer and shall be transferred to the county current expense fund. [Ord. 1157, 1998; Ord. 1113 § 10, 1991]

**2.05.100 Smoking allowed areas.** The following areas have been designated by the board of county commissioners as "Smoking Allowed Areas" within the courthouse complexes: (1) Kitchen on the fourth floor of the main courthouse (break room); employees only. (2) Open-air vehicle sallyport, jail area; employees only. (3) Department of Public Works, public works division shops; areas identified in memo from public services director to board of county commissioners, dated September 30, 1994, attached to the ordinance codified in this section and posted at each shop. [Ord. 1157, 1998; Ord. 1113-B, 1994; Ord. 1113-A, 1994; Ord. 1113 Addendum A, 1991]

## **2 - 4**

### **2.05.110 Conditional use designation.**

(1) The following areas will be "Smoking Allowed" with conditional use designation; which means that if there is a personnel change or a substantiated indication of a smoke inhalation problem to those within the sphere of the "Smoking Allowed" area, the affected area will be considered for "Smoke Free" designation. This will be the decision of the board of county commissioners and the board's decision will be final.

(a) Packwood Senior Center "Smoking Room".

(2) All areas not specifically designated "Smoking Allowed" or addressed in the smoking chapter, as amended, will be "Smoke Free". [Ord. 1157, 1998; Ord. 1113-B, 1994; Ord. 1113-A, 1994; Ord. 1113 Addendum A, 1991]

**Condominium Policy:** Designed to specifically name smoking as a nuisance and put the burden on the smoker (A complaining non-smoker isn't called on to prove harm). Several owners see it as an interim step to going totally smoke-free when their smoker moves out.

### **Proposed Smoking Restriction Amendment**

“No person may carry or smoke any kind of lighted pipe, cigar, cigarette, tobacco, or any other lighted smoking apparatus, equipment or product (hereinafter referred to as “Smoking Apparatus”) in any of the common elements at any time.

No person may smoke or otherwise burn any smoking apparatus in any unit or Limited Common Element in a manner which to causes smoke to be a nuisance or annoyance to any other resident of the Condominium.”



# Local Tobacco Prevention Policy Preempted

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**Policy Opportunities that are preempted from local policy (some may be approached as state-level policies, or could be adopted locally as voluntary policies)**

## *Capacity*

- Limit or restrict in-store advertising of tobacco products

## *Prevention*

- Increase legal age to obtain/possess tobacco to 21
- Ban sales of tobacco by Internet
- Ban single-cigarettes sales
- Increase fees for retailer licenses/fines for sale to minors
- Ban sales of bidis or clove cigarettes
- Ban vending machines
- Require tobacco products placed behind the counter
- Require clerks selling tobacco to be age 18 or older (or 21 or older)
- Ban free samples or coupon distribution
- Ban distribution of marketing items

## *Cessation*

- Coverage of NRT for Basic Health Plan recipients
- Coverage of NRT for Washington State Medicaid clients

## *Secondhand Smoke*

- Worksite bans (depending on outcome of Pierce County appeal)

# Existing Federal & State Tobacco Prevention Policies<sup>\*\*</sup>

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## **FEDERAL LAWS and RULES**

**MSA** = Master Settlement Agreement. These are conditions of joint settlement of states' Attorneys General from suit against major tobacco companies for illegally targeting and marketing to minors and violating consumer protection and antitrust laws. The settlement imposes major restrictions on the industry's advertising and marketing and provides states with mechanisms to enforce the agreement.

**USC** = United States Code. Contains a consolidation and codification of all general and permanent laws of the United States

**CFR** = Code of Federal Regulations. A compilation of the general and permanent rules of the executive departments and agencies of the federal government of the United States as published in the Federal Register. The code is divided into 50 titles representing broad areas of federal regulation

## **STATE LAWS and RULES**

**WAC** = Washington Administrative Code. Regulations of executive branch agencies are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations and arranges them by subject or agency. The online version of the WAC is updated twice a month.

**RCW** = The Revised Code of Washington (RCW) is the compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts.

**EO** = Executive Order (of the Governor). Generally, a rule or regulation having the force of law promulgated directly by the Governor under his statutory authority. Executive Orders take effect unless the legislature takes action to disapprove them within a specified period of time.

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<sup>\*\*</sup> We would like to acknowledge the California Technical Assistance Legal Center (TALC) for providing summaries of national policy, which we relied upon for MSA and federal code references and interpretation here. For more detail, refer to the TALC document: "Tobacco Laws Affecting California" – <http://talc.phi.org>

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Capacity for Equitable Tobacco Control</b>				
<b>Warning Labels</b> 15 USC Sections 1331-1341, 4402, 4404, 4405 Federal Trade Commission Agreements File 0023199-0023205	Federal Cigarette Labeling and Advertising Act (FCLAA) establishes comprehensive labeling and advertising regulations. Cigarettes, smokeless tobacco, and cigars [from 7 largest cigar companies] must display Surgeon General's warning labels on all packaging and advertising.  State and local labeling are preempted.	Federal Trade Commission (penalty = fine up to \$10,000)		None expected
<b>Television/Radio Cigarette Advertising</b> 15 USC Sections 1335, 1338, 1339	Prohibits advertising cigarettes or little cigars on any media subject to the Federal Communications Commission (FCC) [TV or radio].  Does not apply to regular size cigars – [defined by weight]	US Attorney General. Information on filing complaints at <a href="http://www.fcc.gov/cgb/complaints.html">www.fcc.gov/cgb/complaints.html</a> (penalty = misdemeanor fine of not more than \$10,000)		None expected
<b>Television/Radio Smokeless Tobacco Advertising</b> 15 USC Sections 4402(e)-(f), 4404, 4405	Prohibits advertising smokeless tobacco on any media subject to the Federal Communications Commission (FCC) [TV or radio].	US Attorney General. Information on filing complaints at <a href="http://www.fcc.gov/cgb/complaints.html">www.fcc.gov/cgb/complaints.html</a> (penalty = misdemeanor fine of not more than \$10,000)		None expected

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Federal Taxation</b> 26 USC Sections 5701-5704, 5761-5763	Manufacturers and importers of tobacco in the United States shall pay taxes specified for tobacco products. Tax per pack of cigarettes is 39 cents.  Exceptions allowed for: tobacco provided for employee use or experimental use; certain products transferred or removed from domestic warehouses; certain products removed from customs; tobacco products exported and returned.	Federal law enforcement agencies. Range of penalties.		None expected
<b>State Taxation</b> Rev 2002: RCW 82.26.020	Retailers of tobacco products shall pay state tobacco tax of \$1.42 per pack of cigarettes. These funds are distributed: <ul style="list-style-type: none"> <li>• Health care = \$1.01</li> <li>• General fund = \$0.23</li> <li>• Programs to stop youth violence = \$0.105</li> <li>• Water quality = \$0.08</li> </ul> Active duty and retired military personnel are allowed to buy untaxed cigarettes through military commissaries, and enrolled members of federally recognized tribes may also buy untaxed cigarettes through tribal sales.  Jenkins Act requires interstate shippers of cigarettes to notify a state of the company's intention to ship cigarettes to that state. The Department of Revenue receives a list of purchasers and can follow up to collect taxes.	Washington State Liquor Control Board (penalty = gross misdemeanor, products seized, \$10 per pack or \$250 minimum fine, plus taxes and interest; if more than 60,000 untaxed cigarettes it is a class C felony)  The Department of Revenue is authorized by the Jenkins Act to monitor Internet purchases and collect taxes, with support from the LCB.		Report any sales of tobacco without tax stamp or other illegal sales – Liquor Control Board complaint hotline: 888-838-3956
<b>Tribal Taxation</b> 2001: Authority for Tribal Tax Contracts established	Tribal nations may negotiate with the Washington State Governor's office to collect state taxes on tobacco products, which are then reimbursed to the tribe.	Office of the Governor?		

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Outdoor Advertising</b> MSA Sections II(ii), III(c), III(d)	MSA prohibits outdoor tobacco ads, defined as billboards, signs and placards, in arenas, stadiums, shopping malls, and video game arcades, and any other tobacco ads that are outdoors or on the inside surface of a window facing outwards.  Does not restrict ads less than 14 square feet, ads inside a store that are not facing outward, ads inside an adult-only facility, ads outside an adult-only facility advertising an event for no more than 14 days, ads outside a manufacturing facility.	MSA – Attorney General's Office (penalty negotiated)		Report violations to AG  Note: 14 square feet is <ul style="list-style-type: none"> <li>• 1 foot X 14 feet</li> <li>• 2 feet X 7 feet</li> <li>• 3 feet X 4 feet 8 inches</li> <li>• 3 ½ feet x 4 feet</li> </ul>
<b>Transit Advertising on public and private vehicles</b> MSA Sections II(xx), III(d), III(c.) (3)(E)	MSA prohibits ads on or within public or private vehicles, and placed at or within a bus stop, taxi stand, transportation waiting area, train station, airport or similar location.	MSA – Attorney General's Office (penalty negotiated)		Report violations to AG
<b>Potentially Dangerous Litter - cigarettes/tobacco</b> RCW 70.93.060	Tobacco products are defined as “potentially dangerous litter”	Class I civil infraction. Maximum penalty is \$500.		Educate/mobilize police to enforce law.

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Sponsorship</b> MSA Sections II(j), III(c.)(1)-III(c.)(6)	<p>Allows one brand-name sponsorship for each tobacco company in a 12-month period. A national or multi-state tour (e.g. Skoal Racing) counts as one sponsorship. Prohibits brand-name sponsorship of events where a 'significant' (not defined) percentage of the audience are youth; where participants/contestants are under 18; concerts; and football, basketball, soccer, baseball, hockey games. Prohibits naming a stadium or arena with a brand name, paying sports leagues (same as above) to use brand names.</p> <p>Allows sponsorship of events at adult-only facilities, vehicles bearing a brand-name in a brand-sponsored event, billboards for brand-sponsored event at the site for 90 days prior and 10 days after event, corporate name sponsorship (e.g., 'Altria' rather than "Marlboro")</p>	MSA – Attorney General's Office (penalty negotiated)		None expected??
<b>Brand Name Merchandise</b> MSA Sections III(f), III(c.)(3)(C.)	<p>Prohibits the sale or distribution of apparel (t-shirts, hats) or other merchandise with a brand name on it.</p> <p>Does not apply to apparel or merchandise distributed or sold by a third party at the site of a brand name sponsorship, under certain circumstances.</p>	MSA – Attorney General's Office (penalty negotiated)		None expected
<b>Tobacco Brand Names</b> MSA III(j)	Prohibits naming of tobacco brands after any nationally recognized brand or trade name of a non-tobacco product, sports team, entertainment group, or celebrity	MSA – Attorney General's Office (penalty negotiated)		None expected
<b>Product Placement</b> MSA Section III(e)	<p>Prohibits payments by tobacco companies for product placement in movies, television, theater, video games, or other performances.</p> <p>Does not apply to media shown in adult-only facilities, media not intended for public distribution, or instructional media concerning non-conventional cigarettes if viewed only by adult smokers.</p>	MSA – Attorney General's Office (penalty negotiated)		Report violations to AG

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Sampling</b> MSA III(g)  WAC 314-10-090 RCW 70.155.050          RCW 70.155.070	<p>MSA prohibits distribution of free samples of tobacco products, except at adult-only facilities or via special promotions (“two for one”) or consumer testing.</p> <p>Anyone distributing samples in Washington must obtain a license from the Liquor Control Board. For a manufacturer, the license is \$500 (class T1 license) and for an independent business the license is \$50 (class T2 license). No more than one sample pack per day (cigarettes), one sample of any brand/type and two total samples (cigars), one sample can/pouch (smokeless tobacco), or one sample unit of any other type of tobacco may be provided per eligible customer per day. Sampling may only be conducted in places where a person must be 18 or older to enter, in a licensed tobacco retailer establishment, or at a construction site. Regardless of location, sampling may not occur within 500 feet of a school, playground, or other youth facility.</p> <p>Coupons for tobacco products may only be distributed if they are to be redeemed in person (by a legal adult).</p>	MSA – Attorney General’s Office (penalty negotiated)  Licensed sampling events – Liquor Control Board		Inspect licensed sampling events using ???
<b>Proof of Purchase Gifts</b> MSA Section III(h)	Prohibits use of ‘proof of purchase’ gifts (including coupons) without sufficient proof of adult age (e.g., a photocopy of a driver’s license or other government-issued ID card)	MSA – Attorney General’s Office (penalty negotiated)		Report violations to AG
<b>Lottery</b> 26 USC Section 5723(c.), 5762	Prohibits placement of any ticket or other lottery chance in or on any package of tobacco or cigarette papers.	US Department of Justice and Internal Revenue Service. (penalty = up to \$1000 fine and/or up to one year in prison)		None expected

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Licenses for Tobacco Retailers</b> RCW 70.155.130	Local communities are preempted from adopting or enforcing requirements for the licensure and regulation of tobacco product promotions and sales within retail stores, except that political subdivisions that have adopted ordinances prohibiting sampling by January 1, 1993: (1) Impose fees or license requirements on retail businesses for possessing or selling cigarettes or tobacco products, other than general business taxes or license fees not primarily levied on tobacco products; or (2) regulate or prohibit activities covered by RCW <a href="#">70.155.020</a> through <a href="#">70.155.080</a> .			Report unlicensed retailers to LCB.



State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Prevention</b>				
<b>Youth tobacco purchase, use, possession</b> 1993: Youth Tobacco Prevention - RCW 70.155  1998: Minor's Possession Amendment to Youth Access law passed - RCW 70.155.080	Bans purchase, use, possession or attempted purchase, use, or possession of tobacco by youth under age 18.  Tribes are neither governed nor preempted by state law – Tribal nations may seek to implement their own versions of this law.	LCB Local police  Youth in possession of tobacco – Enforced by municipal and district courts (local police). Class III civil infraction (penalty: \$50 fine and/or up to 4 hours of community restitution/service. May also include mandated participation in an education/cessation program)		Conduct comprehensive youth access programs (retailer checks, public education, policymaker education, improved supportive enforcement systems) Educate/Mobilize local law enforcement to enforce youth tobacco possession laws; provide support systems for youth as part of enforcement
<b>Cartoon Characters</b> MSA Sections II(1), III(b)	Prohibits the use of cartoon characters in tobacco advertising and packaging.	MSA – Attorney General's Office (penalty negotiated)		Report violations to AG??
<b>Youth Targeting</b> MSA Section III(a)	Prohibits direct or indirect targeting of youth in tobacco advertising, promotion, marketing	MSA – Attorney General's Office (penalty negotiated)		??

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>School property ban</b> USC Sections 6083(a), 6083(f)(1)  RCW 28A.210.310	Prohibits smoking within any indoor facility utilized for kindergarten, elementary, or secondary education or library services for children  Bans use of tobacco on school property (including buildings, grounds, school-owned vehicles) by anyone (staff, students, visitors)	Federal law – US Department of Education (penalty – up to \$1000 fine for each violation, per day)  Washington State School District Administrators Association (WSSDA) model policy		Educate school districts to adopt/ enforce comprehensive, specific, policy and procedures for application of law
<b>Cessation</b>				
<b>Medicaid coverage for pregnant women post-partum</b>	Provides reimbursement for Nicotine Replacement Therapy or other pharmacotherapy for tobacco cessation to post-partum women enrolled in Medicaid			??

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Secondhand Smoke</b>				
<b>Worksite Bans</b>  1995: Clean Indoor Air Act - RCW 70.160  1988: Governor's Executive Order [Booth Gardner] banning smoking in state facilities - EO 88-06)  1994: SHS banned in office by L&I rule - WAC 296-800-240;revised 2001	Bans smoking in all public places except in designated smoking areas. Smoking areas may be designated by the owner or other person in charge <u>except in</u> : (a) elevators; busses; streetcars; taxis (except those clearly designated by the owner to permit smoking); public areas of retail stores and lobbies of financial institutions; office reception areas and waiting areas of any government agency or organization; museums; public meetings or hearings; classrooms or lecture halls of schools, colleges, or universities; seating areas and aisle ways contiguous to seating areas of concert halls, auditoriums, theaters, indoor sports arenas; (2) hallways of healthcare facilities – except nursing homes, and lobbies of concert halls, theaters, auditoriums, indoor sports arenas.  No public place other than a bar, tavern, bowling alley, tobacco shop, or restaurant, may be designated as a smoking area entirely.  Smoking areas must be clearly marked.	Local fire departments for all venues except restaurants.  Local health departments enforce smoking rules in restaurants.  First offense is warning. Second offense is a civil fine of up to \$100 – each day of violation is a separate offense.		Mobilize/train local fire departments to enforce  Educate exempted worksites about the benefits of voluntary policy adoption

State or Federal Rules	Description	Enforcement Authority	Perceived Level of Community Enforcement (1= low, 5= high)	Possible Local Roles to Improve Enforcement
<b>Childcare &amp; Healthcare Facilities</b> 20 USC Sections 6083(b), 6083(f)  WAC 388-150-430 Licensing Requirements for Day Care Centers, 1990  WAC 388-148-430-0185 Licensing Requirements for Child Foster Homes/Group Homes, 2001	<p>Smoking is prohibited within any indoor facility used for healthcare, day care, or early childhood development (Head Start) funded by the Federal Government</p> <p>Smoking is prohibited in day care centers during operating hours or when the child is in care, and in vehicles when the licensee transports the child. The licensee may permit smoking outdoors, away from the building, where the child is not present.</p> <p>Smoking is prohibited in living spaces and vehicles while transporting children as part of foster homes, staffed residential homes, group care programs/facilities and agencies. Smoking is allowed outdoors away from children. Nothing in the law is intended to interfere with traditional or spiritual Native American ceremonies involving the use of tobacco.</p>	Federal law – US Department of Education (\$1000 fine per violation, per day)		??
<b>Airline Flights</b> 49 USC Section 41706	Smoking prohibited on domestic US airline flights. Also prohibited in foreign air travel arriving in or departing from the US.	Secretary of Transportation (penalty not specified)		None expected
<b>State Ferries</b> RCW 47.56.730	Smoking is prohibited on all Washington State ferries, except in designated outdoor aft weather deck (back deck) and only while the vessel is underway.			Monitor enforcement.